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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,661	12/30/2003	Vivian Agura	03292.101750	1660
5514 7590 10/15/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER MYHRE, JAMES W	
			ART UNIT 3622	PAPER NUMBER
			MAIL DATE 10/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/707,661	<b>Applicant(s)</b> AGURA ET AL.	
	<b>Examiner</b> James W. Myhre	<b>Art Unit</b> 3622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/30/03</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

1. This Office Action is in response to the initial filing on December 30, 2003.

Claims 1-6 are currently pending and have been considered below.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1–6 are rejected under 35 U.S.C. 102(e) as being anticipated by

Cohagan et al (US 2004/0243468).

The Examiner has verified that the reference's parent application (09/836,213), filed on April 17, 2001, contains adequate support for the below cited features.

Claim 1: Cohagan discloses a method for a loyalty points program, comprising:

a. creating a cardholder profile by receiving cardholder profile information including at least one third-party authorization (i.e. aggregate account holder) allowing the third party to access the account (page 4, paragraph 0039 and page 8, paragraphs 0059-0061);

- b. allowing the third party to request a transaction with loyalty points according to the stored authorization (page 4, paragraph 0039 and page 8, paragraphs 0059-0061);  
and
- c. processing/fulfilling the transaction request (page 17, paragraph 0121).

Claim 2: Cohagan discloses a method as in Claim 1 above, and further discloses the authorization is one of a global assignment, a functional assignment, or a transactional assignment (page 4, paragraph 0039 and page 8, paragraphs 0059-0061).

Claim 3: Cohagan discloses a method as in Claim 1 above, and further discloses comparing the transaction request to the authorization access (page 9, paragraph 0068 and page 15, paragraph 0102).

Claim 4: Cohagan discloses a method as in Claim 1 above, and further discloses receiving a request to change the authorization data for one of more third party participants and updating the authorization access for the participant (page 12, paragraph 0084).

Claim 5: Cohagan discloses a system for a loyalty points program, comprising:

- a. a transaction system component for managing loyalty point information (Figure 5);

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- b. a backend processing system component for receiving third-party authorizations, verifying the third party connection to the primary account, and providing for updates to the authorizations (Figure 5); and
- c. a database for storing loyalty point information (Figure 5).

Claim 6: Cohagan discloses a method for a loyalty points program, comprising:

- a. creating a profile for an account belonging to a cardholder (page 4, paragraph 0039 and page 8, paragraphs 0059-0061); and
- b. specifying a global, functional, or transactional authorization access to one or more third party participants (page 4, paragraph 0039 and page 8, paragraphs 0059-0061).

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Cohagan et al(US 2005/0043992) is a co-pending application of the above cited reference and also contains the claimed features rejected above.
- b. Hutchinson et al (US 2005/0192896) discloses a system and method for managing a loyalty points program using a master account with one or more sub-accounts associated therewith that imposes guidelines on the activities of the sub-account holders.

c. Alspach-Goss et al (US 2006/0053056) discloses a system and method for managing a loyalty points program with primary and supplementary account holders.

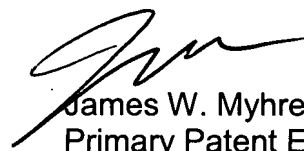
Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W. Myhre whose telephone number is (571) 272-6722. The examiner can normally be reached on Monday through Thursday 6:00-3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



JWM  
October 1, 2007



James W. Myhre  
Primary Patent Examiner